

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FINANCIAL FEDERAL CREDIT, INC. : Case No.: 4:06cv0041
: .
Plaintiff : .
: (Judge Jones)
v : .
: .
BENNERS' AMUSEMENTS, INC., et al. : .
: .
Defendants : .

MEMORANDUM AND ORDER

January 6, 2006

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Pending before the Court is a complaint in replevin and for money judgment filed on January 6, 2006 by Plaintiff Financial Federal Credit Inc. ("Plaintiff" or "Financial Federal Credit") accompanied by an Ex Parte Motion for Issuance of Order of Seizure ("the Motion") (doc. 2).

After careful consideration of the pleadings, the Court is satisfied that an order of seizure of the property at issue, which we will detail below, shall be effectuated upon the posting of a bond by Plaintiff of approximately double the value of the property, in accordance with the provisions of Fed.R.Civ.P. 64 and Pa.R.Civ.P. 1075.2. We will accordingly enter the following Order.

NOW, THEREFORE, IT IS ORDERED THAT:

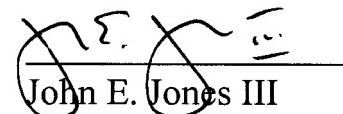
1. Plaintiff's Ex Parte Motion for Issuance of Order of Seizure (doc. 2) is GRANTED.
2. Upon the posting of a \$230,000 bond by Plaintiff, the Marshals are directed to seize from the possession of Defendants and turn over to Plaintiff the following property:

DESCRIPTION	SERIAL NUMBER/VIN NUMBER
Chance Sky Diver Amusement Ride, Mounted on Two Trailers	77-1265 77-10645; S614386
San Antonio Merry-Go-Round Amusement Ride, Mounted on Trailer	MG 140 MG 140
Chance Yo-Yo Amusement Ride, Mounted on Trailer	74-3311 74-10512
Chance Zipper Amusement Ride, Mounted On Trailer	74-1880 74-10482
1989 Wells Cargo Pizza Trailer	1WC200J29J1039591
1979 Wells Cargo Game Trailer With Two (2) Games	
1985 Gross Cotton Candy Trailer	TR 77641
1985 Otterbacher Game Trailer	AG 0185908

3. Plaintiff is directed to serve the summons, complaint, Motion for Ex Parte Issuance of an Order of Seizure and this Order on Defendants and/or any other party in possession of the subject property

immediately.

4. Plaintiff is directed to immediately formally notify the Court by electronic means when the seizure has occurred.
5. After receipt of such notification by Plaintiff, the Court will schedule a hearing, in accordance with Pa.Fed.R.Civ.P. 1075.2, within seventy-two (72) hours after the seizure of the property, which will inform Defendants or any other person found in possession of the property of the place, date, and time of the hearing.



John E. Jones III
United States District Judge